

Application Serial No. 10/594,646
Reply to Advisory Action of September 22, 2009

PATENT
Docket: CU-5139

Remarks and Arguments

Reconsideration is respectfully requested.

Claims 1-22 are pending in the present application before this amendment. By the present amendment, claims 2, 7, 18, and 19 have been cancelled without prejudice, and claims 1 and 9 have been amended. Claims 23-25 have been added. No new matter has been added. Because this amendment should put the application in condition for allowance and should not require any additional searching, the examiner is requested to enter the Amendment.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 7, 10-12, 14-19, 21, 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent Application Public 20040073928A1 (hereinafter Alakoski) in view of US Patent Application Public 20040266440A1 (hereinafter Fuchs).

Claims 3-6, 8, 9, 13, 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent Application Public 20040073928A1 (hereinafter Alakoski) in view of US Patent Application Public 20040266440A1 (hereinafter Fuchs) and further in view of Patent Application Public 20020054596A1 (hereinafter Sengodan).

These rejections are respectfully traversed.

In the amended claim 1, the steps of claim 1 are sequentially performed as follows:

the network creates a PDP Context for a UE, wherein the network includes SGSN, GGSN and BM-SC;

the UE sends a joining message to the network via an SGSN;

the network implements an authorization for the UE after receiving the joining

Application Serial No. 10/594,646
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message;

if the UE has passed the authorization, the network permits the UE to activate an MBMS UE Context;

the UE sends a request for activating an MBMS Context to the SGSN, wherein the request carries MBMS bearer capabilities of the UE;

the SGSN verifies whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities;

the SGSN rejects the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are not enough.

It is clearly shown in claim 1 that the authorization implemented by the network for the UE is done after a joining message sent from the UE is received by the network, and the authorization is for controlling whether the network permits the UE to activate an MBMS UE Context and whether the UE will send a request for activating an MBMS Context to the SGSN.

Concerning with page 6 of the 06/17/2009 Office Action, it is pointed out by the Examiner that such as paragraph [0030] of Alakoski has disclosed the authorization of claim 1. However, Applicant has the opinion that Alakoski at best appears to disclose the enhanced PCF can provide QoS authorization (also known as PCF authorization) and access control for an MBMS session. The enhanced PCF in Alakoski is neither a SGSN, nor a GGSN, nor a BM-SC in the network of claim 1. Specifically, it is clearly shown in such as Figure 3 of Alakoski that the PCF is an independent entity different from the SGSN, GGSN and BM-SC. Therefore, the PCF authorization performed by the PCF in Alakoski is not the same as the authorization in claim 1.

Application Serial No. 10/594,646
Reply to Advisory Action of September 22, 2009

PATENT
Docket: CU-5139

Also, claim 1 recites "verifying, by the SGSN ..., whether the MBMS bearer capabilities of the UE are less than Required MBMS Bearer Capabilities". It is clearly shown in claim 1 that the operation of verifying implemented by the SGSN is for determining whether the UE has enough QoS ability to get the MBMS service requested by the UE itself.

Concerning with pages 3 and 5 of the 06/17/2009 Office Action, it is pointed out by the Examiner that such as paragraph [0041] of Alakoski has disclosed the verifying of claim 1. However, Applicant has the opinion that Alakoski at best appears to disclose "It may be verified that the mobile device is authorized to receive generic MBMS bearer data or service, 103. The verifying may be based on subscription data retrieved from a Home Location Register (HLR) (not shown) by the SGSN 54". See paragraph [0041]. No where does Alakoski disclose that the verifying of signalling 103 concerns with comparison of QoS ability as claim 1.

Also, taking the whole procedure of claim 1 into consideration, it is clearly shown in claim 1 that **the authorization is performed before the verifying**.

As to Alakoski, the PCF authorization is in response to a join request, wherein the join request may be sent from the SGSN 54 to a GGSN 56 to authorize the mobile device 50 for the specific multicast service, signalling 104. That is, the PCF authorization is performed after signalling 104. Then, **according to the flowchart shown in Figure 3 of Alakoski, the PCF authorization (considered as corresponding to the authorization in claim 1 by the Examiner) is performed after signalling 103 (considered as corresponding to the verifying in claim 1 by the Examiner)**. That is, the whole procedure of claim 1 has not been disclosed in Alakoski.

Application Serial No. 10/594,646
Reply to Advisory Action of September 22, 2009

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Docket: CU-5139

Fuchs does not appear to disclose the procedure of claim 1, as well. In view of the foregoing, Applicant respectfully submits that claim 1 defines over the art cited by the Examiner.

Likewise, claims 3-6, 8-17, and 20-22, which depend directly or indirectly from claim 1, are also define over the art cited by the Examiner. Thus, Applicant respectfully requests withdrawal of the rejections under 35 USC § 103(a).

NEW CLAIMS

Claim 23 and its dependent claims, 24-25 are newly added and are considered as defining over the art for the similar reasons mentioned above for amended claim 1.

For the reasons set forth above, the applicants respectfully submits that claims 1, 3-6, 8-17, and 20-25, now pending in this application, are in condition for allowance over the cited references. Accordingly, the applicants respectfully request reconsideration and withdrawal of the outstanding rejections and earnestly solicit an indication of allowable subject matter. This amendment is considered to be responsive to all points raised in the office action. Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

When issuance of a Notice of Allowance is proper in the next action, the examiner is authorized to cancel the withdrawn claims, for which the applicant reserves the right to file a divisional application.

Application Serial No. 10/594,646
Reply to Advisory Action of September 22, 2009

PATENT
Docket: CU-5139

Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

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